

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
May 26, 2015
Council Chambers – Rouss City Hall**

DRAFT

PRESENT: Councilor Evan Clark, John Hill and Corey Sullivan; Vice-President Milt McInturff; City Councilor Kevin McKannan and William Wiley; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (9)

ABSENT: None (0)

President Willingham called the meeting to order at 7:13 p.m.

2.0 Public Comments: (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone)

President Willingham asked if there was anyone wishing to address Council. Seeing none, he closed the public hearing at 7:14 p.m.

3.0 Items for Discussion:

3.1 R-2015-21: Resolution – Approving Virginia Department of Rails and Public Transportation Financial Assistance

Utilities Director Perry Eisenach presented resolutions R-2015-21 and R-2015-22 for approval as required for receiving the federal and state financial assistance for the City's transit operations. He stated for the current fiscal year, the City is receiving \$712,000 from the Federal Transit Administration and \$225,000 from the Virginia Department of Rails and Public Transportation.

Vice-Mayor Veach asked what the local share amount was in FY15. Mr. Eisenach stated generally speaking the City gets 50% of the operating costs from the federal government and about 10% from the state government so the City has to make up about 40%. For the capital expenditures, the City gets 80% from the federal government and 10% from the state government so the City has to make up the last 10%.

Councilor McKannan asked if anything in particular was imposed on the City as an applicant. Mr. Eisenach stated when receiving federal funds, you do have to follow all of their regulations that are pretty extensive. The City just went through one of their audits covering our operational documents for the past three years to make sure all of their rules and regulations are being followed.

Vice-President McInturff moved to forward R-2015-21 and R-2015-22 to Council. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

3.2 R-2015-22: Resolution – Approving Federal Transit Administration Financial Assistance

See action taken in previous item.

3.3 O-2015-12: AN ORDINANCE TO AUTHORIZE THE ADDITIONAL APPROPRIATION OF FUNDS FOR NECESSARY EXPENDITURES FOR FISCAL YEAR 2015

Finance Director Mary Blowe presented the end of the fiscal year supplemental appropriations for FY15. She provided a brief summary of the items and amounts included in the supplemental.

Vice-Mayor Veach moved to forward O-2015-12 to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

3.4 O-2015-13: AN ORDINANCE TO AMEND ARTICLES 1, 8, 9, 10, 11 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITION AND USES PROVISIONS OF IMPROVEMENT DONATION CENTERS. (*Proposal will create a definition and district use provisions for Home Improvement Donations Centers.*) TA-15-177

Zoning & Inspections Administrator Aaron Grisdale presented the privately sponsored text amendment to allow home improvement donation centers that have building materials and appliances donated and resold in the M-1, CM-1, and B-2 districts and by conditional use permit (CUP) in the B-1 district.

Vice-President McInturff asked how this differs from an organization such as the SPCA or Hospice that take in donations and sell them. Mr. Grisdale stated presently in the Zoning Ordinance, there are some establishments with comparable uses that are treated as retail. Within the M-1 district, it is geared toward industrial uses and the amount of commercial uses in that district is limited. The intent was to try to create a narrow use definition that would allow for some commercial opportunities within the M-1 district while not opening the door to all retail uses. Those uses would still be allowed in the district where they currently exist.

Vice-Mayor Veach asked if the term “home improvement” rules out building materials for office renovation and suggested “building improvement” instead. Mr. Grisdale stated the applicant is not present to speak to that but he does not have an issue with it from a staff perspective.

Councilor Clark stated home improvement is the commonly used term for the retail stores so he would not be in favor of changing it. All kinds of materials are sold out of those home improvement centers.

Vice-President McInturff moved to forward O-2015-13 to Council. *The motion was seconded by Councilor Clark then approved 8/1 with Vice-Mayor Veach voting in the negative.*

3.5 Discussion Request of the City of Winchester for a conditional use permit for amphitheater use for the Taylor Pavilion at 119 N. Loudoun Street (Map Number 173-01-F-26) zoned B-1 (HW). CUP-15-219

Planning Director Tim Youmans presented the request of the City for an amphitheater use at the Taylor Pavilion located at 119 North Loudoun Street. He stated this is the space where the Farmers' Market operates and is intended for live performances and movies that will be operated under the supervision of the Downtown Manager. Two individuals spoke during the Planning Commission's public hearing. One individual expressed some concern with the amplification used by performers coming in and the ability of that space. The other individual spoke in support of the request. The Planning Commission moved it forward recommending approval with a 3-2 vote. The commissioners who voted against the recommendation had concerns with the request to end the hours of operation on Thursday nights at 12:00 p.m. instead of 10:00 p.m.

Councilor Wiley asked if the commissioners who voted against the CUP are aware of how the CUPs work. Mr. Youmans stated he believes they do. Both of the commissioners have been through the orientation process and one of them has gone through the state certification class.

Councilor Sullivan asked if permits will be required for performing bands. Mr. Youmans stated they will have to contract through the Downtown Manager but this would take care of any permit.

Vice-President McInturff asked if the space will be marketed for other events. Downtown Manager Jennifer Bell stated there are no plans to market it but it is listed on the website that it is available for events through an the event process as long as the requirements are met.

Vice-President McInturff asked what would make this space that the City is making available to rent compete with other businesses. Ms. Bell stated for an outdoor venue, the County Courthouse lawn is the most comparable space so she does not see it as direct competition to other businesses.

Vice-Mayor Veach asked if there was a summary of the comments received from the local businesses available. Ms. Bell stated staff only contacted the two adjoining businesses who were supportive. Mr. Youmans added only the adjoining property owners within 300 feet must be contacted for a CUP.

Vice-Mayor Veach suggested stopping any music at 11:00 so everything can be cleared out by 12:00. He also expressed his concern the late noise will drive residents away from downtown.

Councilor Hill expressed his concern regarding businesses that are open longer on the weekend. He stated he would be interested in what other businesses have to say about the request. Ms. Bell stated that studies have shown the more events you have the more draw you have. Councilor Hill stated he could not disagree but he is concerned about the hour or lateness of the events.

Councilor McKannan asked if the hours are comparable to the CUP for outside entertainment at the Piccadilly Public House. Mr. Youmans stated he would have to get that information for Council.

Councilor Clark stated this is a great use for this space and is exactly what is was planned for.

Councilor Sullivan suggested allowing the space to be used by the street performers as well.

Mayor Minor stated anyone who bought or rents on the Mall knew they were not going to get a serene, peaceful atmosphere.

President Willingham stated he is interested in knowing the hours for the Piccadilly Public House as well. He thinks the hours for Thursday should be the same as Wednesday and expressed his concern that the music or noise will amplify off the walls. He suggested having a check-in point to see how the feedback goes. He would rather start with a little more restrictive than less restrictive.

Vice-President McInturff stated he too is not comfortable with the hours on Thursday night. He thinks the City should hold themselves to a higher standard.

Mayor Minor moved to forward CUP-15-219 to Council with more information regarding the hours at Piccadilly Public House. The motion was seconded by Councilor Clark.

Councilor Clark suggested allowing movies on Thursday nights until 11:30 so they can be dispersed by 12:00.

Vice-Mayor Veach stated he could support it now but doesn't see supporting amplified music. He could see supporting movies though.

Mayor Minor's motion was unanimously approved by voice-vote.

- 3.6 R-2015-23** Resolution – CEMS Amendments Sections 3.9, 3.10, 5.3-5.5, 5.14, Appendix J, K and the addition of Appendix DD
- City Manager Eden Freeman presented a series of recommended and necessary changes to the Comprehensive Employee Management System (CEMS) to reflect the current practice, operations, and procedures. The amendments include revisions to the overtime requirements and the regular work period for different types of employees; guidance for the use of compensatory time; further defining compensation for travel time; on call pay and employee availability; light duty work, FMLA, the sick bank; and streamlining the closing policy for emergencies or inclement weather. Updated forms for the light duty work, FMLA, and the sick bank have also been included.

Councilor McKannan asked what feedback was received from the police and fire departments on the comp time. Ms. Freeman stated they were in favor of it.

Councilor Clark asked if there are any salaried positions where the overtime or comp time rules don't apply or can be applied differently. Ms. Freeman stated salaried positions typically do not apply for overtime but can use comp time to balance out night time meetings.

Councilor Sullivan asked if shift trading is no longer done. Ms. Freeman stated shift trading is not necessarily best practice. The City would try to work with that if it had to but the intent is to get to a more streamlined schedule.

Vice-President McInturff moved to forward R-2015-23 to Council. *The motion was seconded by Councilor McKannan then unanimously approved by voice-vote.*

4.0 Monthly Reports

4.1 Fire and Rescue Department

4.2 Financial Report

5.0 Adjournment

Mayor Minor moved to adjourn the meeting at 8:00 p.m. *The motion was seconded by Vice-President McInturff then unanimously approved by voice-vote.*